



May 27, 2016

VIA IN-HAND DELIVERY & E-MAIL

Pamela Monroe, Administrator
NH Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301
pamela.monroe@sec.nh.gov

RE: NH Site Evaluation Committee Docket No. 2015-02: Application of Antrim Wind Energy, LLC for a Certificate of Site and Facility for Construction of a Wind Project in Antrim New Hampshire

Ms. Monroe,

Please find enclosed for filing in the above captioned matter with the New Hampshire Site Evaluation Committee, an original and one copy of the International Brotherhood of Electrical Workers' Objection To Wind Action Group's Motion To Expand The Procedural Schedule and a corresponding Certificate of Service.

Thank you.

Very truly yours,

Joseph Casey
International Representative for
Business Development, International
Brotherhood of Electrical Workers
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Enclosure

Cc: Distribution List for Docket No. 2015-02

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

RE:)

Application of Antrim Wind Energy, LLC)

for a Certificate of Site and Facility for)

Construction of a Wind Project)

in Antrim New Hampshire)

SEC DOCKET No. 2015-02

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS OBJECTION TO
WIND ACTION GROUP'S MOTION TO EXPAND THE SCHEDULE

NOW COMES the International Brotherhood of Electrical Workers ("IBEW"), by and through its representative, Joseph Casey, and respectfully submits this Objection to Wind Action Group ("WAG") and Lorraine Carey Block and Richard Block's (collectively referred to as the "Intervenors") Motion to Expand the Procedural Schedule.

I. Introduction

1. On October 2, 2015, the Antrim Wind Energy, LLC ("AWE" or the "Applicant") filed an Application ("the Application") with the New Hampshire Site Evaluation Committee ("SEC" or the "Committee") for a Certificate of Site and Facility to construct and operate a 28.8 MW electric generation facility consisting of nine Siemens SWT- 3.2-113 direct drive wind turbines in Antrim, New Hampshire (the "Project"). On November 18, 2015, the Subcommittee reviewed the Application and determined that it contained sufficient information for the Subcommittee to carry out the purposes of RSA 162-H. An Order accepting the Application was issued on December 1, 2015. On December 10, 2015, a Procedural Order was issued in this docket.

2. On December 16, 2015, the Committee readopted its administrative rules with amendments. The Applicant received a letter from the Committee dated December 28, 2015, pursuant to RSA 162-H:10, VII, requesting that the Applicant review the newly adopted rules and notify the Committee whether additional information was required for the Application to comply with the new rules.

3. The Applicant notified the Committee that supplemental information was required and timely provided the Committee with the additional information on February 19, 2016.

4. On February 22, 2016, a site visit was conducted.

5. On February 25, 2016, pursuant to the Procedural Order a prehearing conference was held.

6. On March 2, 2016, a Report of Prehearing Conference and Recommended Procedural Schedule was issued.

7. On March 10, 2016, the Intervenors filed a Motion arguing that certain portions of the Application were not in compliance with the recently amended rules. The Applicant objected to the Motion.

8. On March 25, 2016, a Procedural Schedule was issued which provided that "Counsel for the Public and Intervenors shall have disclose expert witnesses, if any, and provide pre-filed testimony on or before May 23, 2016."¹ Discovery commenced thereafter.

9. During discovery, Counsel for the Public requested documents from the Applicant which the Applicant considered to be highly confidential (e.g. certain financial information, certain contract information, etc.). WAG separately requested similar documents. The Applicant produced all the requested information to Counsel for the Public and asked that it be treated as confidential. The Applicant objected to producing the information to WAG arguing that, based on prior Committee orders, WAG was not entitled to have access to that highly confidential information. The Applicant did work with WAG, prior to filing its objection and provided certain material in an effort to compromise.

10. The Applicant filed a Motion for Protective Order and Confidential Treatment on April 15, 2016. WAG filed an objection to the Applicant's Motion on April 25, 2016.

11. On May 19, 2016, Wind Action Group by and through its undersigned representative, and Lorraine Carey Block, and Richard Block (collectively referred to as the "Intervenors") filed a Motion to Expand the Procedural Schedule in the above captioned matter. The Intervenors' Motion to Expand the Procedural Schedule is not reasonably justified under the current circumstances.

¹ State of New Hampshire Site Evaluation Committee Procedural Schedule, March 25, 2016:
http://www.nhsec.nh.gov/projects/2015-02/documents/2015-02_2016-03-24_procedural_schedule.pdf

II. The Site Evaluation Committee's Lack of a Ruling on the Intervenors' March 10, 2016, Motion is Not Sufficient Grounds for Expanding the Procedural Schedule.

12. The Intervenors' March 10, 2016, Motion requested that the Committee reevaluate its December 1, 2015, decision regarding the Application of the Applicant being complete. The IBEW respectfully suggests, as the Applicant does in their May 24, 2016, Objection to Motion to Expand the Schedule, that the Intervenors raise the issues argued in their March 10, 2016 Motion during their testimony. The IBEW believes that this would appear to be a more appropriate way to address the issues raised in the Intervenors' March 10, 2016, Motion.

13. The IBEW believes delaying this process to address the issues presented by the Intervenors in their March 10, 2016, Motion is inappropriate and would interfere with the orderly conduct of the proceeding. Further, it would likely cause undue delay in the construction of a new energy facility. This would conflict with the declared purpose of the relevant statute, which states, *inter alia*, that "it is in the public interest . . . that undue delay in the construction of new energy facilities be avoided. . . RSA 162-H:1."²

III. The Status of Applicant's Confidential Information Does Not Necessitate Expanding the Procedural Schedule by Delaying the Proceeding.

14. The Intervenors base the need for delaying this proceeding on the fact that the Applicant has only provided selected confidential information to Counsel for the Public, and that the SEC has not yet ruled on the Applicant's Confidentiality Motion related to said confidential information. The IBEW believes that the Intervenors' arguments are not valid, and further, do not show the need for a delay in the current proceeding.

15. The Intervenors state that they require more time (than the deadline of May 23, 2016 provides) to file testimony, due to the fact that they do not currently have access to said confidential information. The IBEW believes that the SEC's lack of ruling on that Motion is

² Title XII Public Safety and Welfare, Chapter 162-H Energy Facility Evaluation, Siting, Construction and Operation, Section 162-H:1 <http://www.gencourt.state.nh.us/rsa/html/XII/162-H/162-H-1.htm>

irrelevant as to the ability of the Intervenors to file testimony in a timely manner (by the May 23, 2016 deadline issued in the SEC's March 25, 2016, Procedural Schedule).

16. The Intervenors' Motion to Expand the Schedule is also procedurally inappropriate under the circumstances because WAG failed to file a Motion to Compel regarding the confidential documents that it sought to acquire, that were not made available by the Applicant in its April 11, 2016 discovery response.

17. Under the SEC Rule Site 202.12, which governs discovery in matters before the Committee, Motions to compel responses to data requests must be made "within 10 days of receiving the applicable response or objection..."³ WAG did not move to compel the Applicant regarding said confidential information, and therefore waived the right to pursue access to the documents that it requested of the Applicant. On April 25, 2016, WAG filed an Objection to the Applicant's Motion for Confidential Treatment. This can not and should not be characterized as a Motion to compel. WAG's failure to submit a Motion to compel by April 21, 2016, should not serve as the basis for delaying the current proceeding or granting Intervenors' Motion to Expand the Procedural Schedule.

IV. The Scheduling of a Second Site Visit by the Committee is Not Required and Therefore Not Sufficient Evidence to Warrant Delaying the Current Proceeding.

18. The Intervenors additionally assert that their Motion to Expand the Procedural Schedule should be granted because the SEC has not scheduled a second site visit. Pursuant to Site 202.13, the Committee has discretion regarding the scheduling of site visits and the Intervenors fail to give valid reasons as to why the deadlines set in the March 25, 2016, Procedural Order should be extended to complete a site visit that can occur at any time during this proceeding.

³ New Hampshire Site Evaluation Committee, Chapter Site 202.12(k)(2): http://www.gencourt.state.nh.us/rules/state_agencies/site100-300.html

WHEREFORE, the IBEW respectfully requests that the New Hampshire Site Evaluation Committee:

- A. Deny Wind Action Group and Lorraine Carey Block and Richard Block's (collectively referred to as the "Intervenors") Motion to Expand the Procedural Schedule "for filing pre-field testimony by the intervenors and extend all other deadlines in accordance with the one-month period;
- B. Grant such other and further relief as may be just.

Respectfully submitted,
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS

By Its Representative,



Dated: 5/27/2016

Joseph Casey
International Representative for
Business Development, International
Brotherhood of Electrical Workers
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Certificate of Service

I hereby certify that on this day the International Brotherhood of Electrical Workers' ("IBEW") Objection To Wind Action Group's Motion To Expand The Procedural Schedule were sent to the New Hampshire Site Evaluation Committee and to persons named on the SEC distribution list by electronic mail.

Dated: 5/27/2016



Joseph Casey
International Representative for
Business Development, International
Brotherhood of Electrical Workers